

SENATE BILL 2823

By Akbari

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 1; Title 49, Chapter 2 and Title 49,
Chapter 5, relative to teacher licenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-1-302, is amended by deleting subdivision (a)(5)(A)(iv).

SECTION 2. Tennessee Code Annotated, Section 49-5-108, is amended by adding the following language as new subsections:

(g) The state board of education may reprimand, suspend, revoke, or refuse to issue or renew an educator's license for the following reasons:

(1) Being convicted of a felony offense or of possessing illegal drugs. As used in this section, "convicted" includes:

(A) A conviction entered by a court upon a plea of guilty, a plea of nolo contendere, or a finding of guilt by a jury or a court in this state or any other jurisdiction or country, notwithstanding any pending appeal or habeas corpus proceeding arising from the judgment;

(B) Conviction by a federal court or military tribunal, including a court-martial conducted by the armed forces of the United States; and

(C) A plea taken pursuant to § 40-35-313, or an equivalent law in any other jurisdiction;

(2) Possessing, using, or being under the influence of alcohol or illegal drugs while performing official school duties;

(3) Falsifying or altering a license or documentation required for licensure;

(4) Having an educator license denied, suspended, or revoked in another jurisdiction for a reason that would justify denying, suspending, or revoking a license under this section;

(5) Being identified by the department of children's services as having committed child abuse, severe child abuse, child sexual abuse, or child neglect, in accordance with § 49-5-413(e); or

(6) Violating the teacher code of ethics, pursuant to title 49, chapter 5, part 10, in such a manner as to create a danger to the health, safety, or welfare of students.

(h) Except as otherwise provided in §§ 36-5-706, 49-5-417(a), and 63-1-141, all proceedings to reprimand, suspend, revoke, or refuse to issue or renew an educator's license or to otherwise discipline an educator are subject to and conducted in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(i) An investigative finding or a decision made by a director of schools, an impartial hearing officer, or a local board of education that results in an educator being reprimanded, suspended, or dismissed does not create a presumption that the educator has engaged in conduct prohibited by subsection (g).

SECTION 3. Tennessee Code Annotated, Section 49-5-417(c)(2), is amended by deleting the language "under state board of education rule." and substituting instead:

under § 49-5-108. When a report and any supporting documents are filed pursuant to this subdivision (c)(2), the state board of education shall provide copies of the report and supporting documents to the licensed educator within ten (10) days of the filing. The licensed educator may file a written response to the report. Any written response to the

report filed by the licensed educator must be included in the educator's file with the state board.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.